IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

C.W.P. No. 2066 of 2006
Date of Decision: Aug.24, 2007

Gurdev Raj ..... Petitioner

Versus

State of Haryana and others ..... Respondents

Coram: Hon'ble Mr. Justice Ashutosh Mohunta
Hon'ble Mr. Justice T.P.S. Mann

Present: Mr. S.S.Dinarpur, Advocate
for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana.

....

ASHUTOSH MOHUNTA, J.

The petitioner is working as a Forester in Territorial Range at Jagadhri, District Yamunanagar. In the year 1999 a few stones were detected in the gall-bladder of the petitioner as a result of which the gall-bladder had to be removed. In the same operation, some malignancy in the liver was also detected and the petitioner had to be operated upon for the said ailment at the PGI, Chandigarh.

On 20.6.2000 both the kidneys of the petitioner suddenly failed as a result of which he was admitted to Sir Ganga Ram Hospital, New Delhi. The real sister of the petitioner namely Mam Kaur donated her kidney and the doctors transplanted the kidney. In the aforementioned operation the petitioner incurred huge expenditure to the tune of Rs.7,30,000/-. After operation of the petitioner, he submitted his medical bills to the respondents. The amount incurred on the treatment and operation undertaken by the petitioner has been reimbursed to him for the period from 31.10.2002 to 3.11.2003. However, reimbursement of the medical expenses pertaining to the period from 13.6.2000 to 30.10.2002 was disallowed vide order Annexure P-10 on the ground that Sir Ganga Ram Hospital was recognized only with effect from 31.10.2002 and, hence, the petitioner is not entitled to reimbursement of the medical bills prior to this date.

C.W.P. No. 2066 of 2006

Counsel for the petitioner contends that the order Anneuxre-P10 is liable to be set aside and the petitioner is entitled to be reimbursed the amount spent by him for the period from 13.6.2000 to 30.10.2002 as he had to undergo a kidney transplant operation in an emergency.

Written statement has been filed on behalf of the respondents wherein it has been averred that Sir Ganga Ram Hospital has been recognized by the State of Haryana with effect from 31.10.2002 only and, hence, no expenditure prior to the aforementioned date can be reimbursed to the petitioner for the treatment undertaken by him in the aforesaid Hospital.

We have heard the learned counsel for the parties at length.

The treatment undertaken by the petitioner was in an emergent situation as both his kidneys had failed. The petitioner had to undergo a kidney transplant operation also at Sir Ganga Ram Hospital. In a case where a patient undergoes treatment even in a private hospital or an unapproved hospital still such a person would be entitled to claim reimbursement of the medical bills submitted by him at AIIMS or PGI rates. As the petitioner had undergone operation and subsequent treatment from Sir Ganga Ram Hospital for the period from 13.6.2000 to 30.10.2002, therefore, the petitioner is held entitled to the reimbursement of the medical bills submitted by him at the AIIMS/PGI rates.

In view of the above, the writ petition is allowed. The respondents shall reimburse the amount spent by the petitioner on his treatment from 13.6.2000 to 30.10.2002 at Sir Ganga Ram Hospital, New Delhi, within a period of six months from the date of receipt of a certified copy of this order.

(ASHUTOSH MOHUNTA)
JUDGE

24.8.2007 **(T.P.S. MANN)**
rupi **JUDGE**